



House of Representatives

General Assembly

File No. 667

January Session, 2009

Substitute House Bill No. 6007

House of Representatives, April 16, 2009

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE MERGER OF THE PROBATE DISTRICTS OF SOUTHBURY AND ROXBURY AND THE MERGER OF THE PROBATE DISTRICTS OF LITCHFIELD, KENT, MORRIS, HARWINTON AND WARREN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-2 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 5, 2011*):

3 The probate districts of the state, for all purposes for which they
4 were constituted, shall be as follows:

5 (a) Hartford County

6 The district of Hartford, consisting of the town of Hartford.

7 The district of Avon, consisting of the town of Avon.

8 The district of Berlin, consisting of the towns of Berlin and New
9 Britain.

- 10 The district of Bloomfield, consisting of the town of Bloomfield.
- 11 The district of Bristol, consisting of the town of Bristol.
- 12 The district of Burlington, consisting of the town of Burlington.
- 13 The district of Canton, consisting of the town of Canton.
- 14 The district of East Hartford, consisting of the town of East
15 Hartford.
- 16 The district of East Windsor, consisting of the towns of East
17 Windsor and South Windsor.
- 18 The district of Enfield, consisting of the town of Enfield.
- 19 The district of Farmington, consisting of the town of Farmington.
- 20 The district of Glastonbury, consisting of the town of Glastonbury.
- 21 The district of Granby, consisting of the town of Granby.
- 22 The district of Manchester, consisting of the town of Manchester.
- 23 The district of Marlborough, consisting of the town of Marlborough.
- 24 The district of Newington, consisting of the towns of Newington,
25 Rocky Hill and Wethersfield.
- 26 The district of Plainville, consisting of the town of Plainville.
- 27 The district of Simsbury, consisting of the town of Simsbury.
- 28 The district of Southington, consisting of the town of Southington.
- 29 The district of Suffield-East Granby, consisting of the towns of
30 Suffield and East Granby.
- 31 The district of West Hartford, consisting of the town of West
32 Hartford.

34 The district of Windsor Locks, consisting of the town of Windsor
35 Locks.

37 The district of New Haven, consisting of the town of New Haven.

39 The district of Branford, consisting of the town of Branford.

42 The district of Derby, consisting of the towns of Derby, Ansonia and
43 Seymour.

45 The district of Guilford, consisting of the town of Guilford.

47 The district of Madison, consisting of the town of Madison.

49 The district of Milford, consisting of the town of Milford.

52 The district of North Branford, consisting of the town of North
53 Branford.

55 The district of Orange, consisting of the town of Orange.

- 56 The district of Oxford, consisting of the town of Oxford.
- 57 [The district of Southbury, consisting of the town of Southbury.]
- 58 The district of Wallingford, consisting of the town of Wallingford.
- 59 The district of Waterbury, consisting of the towns of Waterbury,
60 Middlebury and Wolcott.
- 61 The district of West Haven, consisting of the town of West Haven.
- 62 The district of Woodbridge, consisting of the town of Woodbridge.
- 63 (c) New London County
- 64 The district of New London, consisting of the towns of New London
65 and Waterford.
- 66 The district of Norwich, consisting of the towns of Norwich,
67 Franklin, Lisbon, Preston, Sprague and Voluntown.
- 68 The district of Bozrah, consisting of the town of Bozrah.
- 69 The district of Colchester, consisting of the towns of Colchester and
70 Lebanon.
- 71 The district of East Lyme, consisting of the town of East Lyme.
- 72 The district of Griswold, consisting of the town of Griswold.
- 73 The district of Groton, consisting of the town of Groton.
- 74 The district of Ledyard, consisting of the town of Ledyard.
- 75 The district of Lyme, consisting of the town of Lyme.
- 76 The district of Montville, consisting of the town of Montville.
- 77 The district of North Stonington, consisting of the town of North
78 Stonington.

81 The district of Stonington, consisting of the town of Stonington.

82 (d) Fairfield County

90 The district of New Canaan, consisting of the town of New Canaan.

94 The district of Norwalk, consisting of the towns of Norwalk and
95 Wilton.

99 The district of Stamford, consisting of the town of Stamford.

103 The district of Westport, consisting of the towns of Westport and
104 Weston.

106 The district of Windham, consisting of the towns of Windham and
107 Scotland.

109 The district of Brooklyn, consisting of the town of Brooklyn.

112 The district of Hampton, consisting of the town of Hampton.

114 The district of Plainfield, consisting of the towns of Plainfield,
115 Canterbury and Sterling.

117 The district of Putnam, consisting of the town of Putnam.

119 The district of Woodstock, consisting of the town of Woodstock.

121 The district of Litchfield, consisting of the towns of Litchfield, Kent,
122 Morris, Harwinton and Warren.

124 The district of New Milford, consisting of the towns of New Milford

125 and Bridgewater.

126 The district of the Northwest Corner, consisting of the towns of
127 Canaan, Cornwall, Norfolk, North Canaan, Salisbury and Sharon.

128 The district of Plymouth, consisting of the town of Plymouth.

129 [The district of Roxbury, consisting of the town of Roxbury.]

130 The district of Thomaston, consisting of the town of Thomaston.

131 The district of Torrington, consisting of the towns of Torrington and
132 Goshen.

133 The district of Washington, consisting of the town of Washington.

134 The district of Winchester, consisting of the towns of Winchester
135 and Colebrook.

136 The district of Woodbury, consisting of the towns of Woodbury,
137 Bethlehem and Watertown.

138 (g) Middlesex County

139 The district of Middletown, consisting of the towns of Middletown,
140 Cromwell, Durham and Middlefield.

141 The district of Clinton, consisting of the town of Clinton.

142 The district of Deep River, consisting of the town of Deep River.

143 The district of East Haddam, consisting of the town of East
144 Haddam.

145 The district of East Hampton, consisting of the town of East
146 Hampton.

147 The district of Essex, consisting of the town of Essex.

148 The district of Haddam, consisting of the town of Haddam.

149 The district of Killingworth, consisting of the town of Killingworth.

150 The district of Old Saybrook, consisting of the town of Old
151 Saybrook.

152 The district of Portland, consisting of the town of Portland.

153 The district of Saybrook, consisting of the town of Chester.

154 The district of Westbrook, consisting of the town of Westbrook.

155 (h) Tolland County

156 The district of Tolland, consisting of the towns of Tolland and
157 Willington.

158 The district of Andover, consisting of the towns of Andover, Bolton
159 and Columbia.

160 The district of Ellington, consisting of the towns of Ellington and
161 Vernon.

162 The district of Hebron, consisting of the town of Hebron.

163 The district of Mansfield, consisting of the towns of Coventry and
164 Mansfield.

165 The district of Stafford, consisting of the towns of Stafford, Somers
166 and Union.

167 (i) Litchfield and Hartford Counties

168 The district of New Hartford, consisting of the towns of New
169 Hartford, Barkhamsted and Hartland.

170 (j) Litchfield and New Haven Counties

171 The district of Southbury, consisting of the towns of Southbury and
172 Roxbury.

173 Sec. 2. (NEW) *(Effective from passage)* The towns of Southbury and

174 Roxbury shall, on and after the first Wednesday following the first
175 Monday of January, 2011, constitute a probate district by the name of
176 the probate district of Southbury. In 2010, and quadrennially
177 thereafter, a judge of probate for said district shall be elected at the
178 time and in the manner provided by law for the election of judges of
179 probate. From and after the first Wednesday following the first
180 Monday of January, 2011, the probate court for the district of
181 Southbury shall have the jurisdiction of all probate business arising in
182 the towns of Southbury and Roxbury.

183 Sec. 3. Section 45a-6k of the general statutes is repealed and the
184 following is substituted in lieu thereof (*Effective from passage*):

185 (a) The towns of Litchfield, Kent, Morris and Warren shall, on and
186 after the first Wednesday following the first Monday of January, 2007,
187 until January 4, 2011, constitute a probate district by the name of the
188 probate district of Litchfield. In 2006, [and quadrennially thereafter,] a
189 judge of probate for said district shall be elected at the time and in the
190 manner provided by law for the election of judges of probate. From
191 and after the first Wednesday following the first Monday of January,
192 2007, until January 4, 2011, the probate court for the district of
193 Litchfield shall have the jurisdiction of all probate business arising in
194 the towns of Litchfield, Kent, Morris and Warren.

195 (b) The towns of Litchfield, Kent, Morris, Harwinton and Warren
196 shall, on and after the first Wednesday following the first Monday of
197 January, 2011, constitute a probate district by the name of the probate
198 district of Litchfield. In 2010, and quadrennially thereafter, a judge of
199 probate for said district shall be elected at the time and in the manner
200 provided by law for the election of judges of probate. From and after
201 the first Wednesday following the first Monday of January, 2011, the
202 probate court for the district of Litchfield shall have the jurisdiction of
203 all probate business arising in the towns of Litchfield, Kent, Morris,
204 Harwinton and Warren.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>January 5, 2011</i>	45a-2
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	45a-6k

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Probate Court	PCAF - Revenue Gain	None	None

Note: PCAF=Probate Court Administration Fund

Municipal Impact:

Municipalities	Effect	FY 10 \$	FY 11 \$
Harwinton; Kent; Litchfield; Morris; Roxbury; Southbury; Warren	Savings	None	None

Explanation

The bill consolidates the Harwinton and Roxbury probate districts into the Litchfield and Southbury probate districts, respectively, effective January 5, 2011. This results in a revenue gain to the Probate Court Administration Fund (PCAF) and a savings to the towns of Harwinton, Kent, Litchfield, Morris, Roxbury, Southbury, and Warren beginning in FY 12 and continuing annually thereafter (see Out Year impact below).

It is estimated that the district merger will result in expense savings of \$25,000 associated with Harwinton and \$40,000 associated with Roxbury, based on calendar year¹ 2007 figures.² This results in an estimated increase in revenue to the PCAF of \$50,000-\$60,000 in FY 12,

¹ Individual probate courts operate on a calendar year basis, whereas the Probate Court Administration operates on a fiscal year basis.

² This is the last year for which complete, audited data is available.

\$51,500-\$61,800 in FY 13, and \$53,050-\$63,600 in FY 14.³

The towns comprising the Litchfield and Southbury probate districts under the bill would experience a minimal cost savings annually beginning in FY 12 due to the division of costs associated with probate court operations.⁴

The Out Years

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$	FY 14 \$
Probate Court	PCAF - Revenue Gain	50,000-60,000	51,500-61,800	53,050-63,600

Note: PCAF=Probate Court Administration Fund

Municipal Impact:

Municipalities	Effect	FY 12 \$	FY 13 \$	FY 14 \$
Harwinton; Kent; Litchfield; Morris; Roxbury; Southbury; Warren	Savings	Minimal	Minimal	Minimal

³ These figures include a projected increase to judges' salaries due to increased workload associated with the merger.

⁴ Under 45a-8, municipalities comprising probate districts are required to cover the costs of phone lines, office supplies, furnishings, office space, data lines, and document storage for courts of probate.

OLR Bill Analysis**sHB 6007*****AN ACT CONCERNING THE MERGER OF THE PROBATE DISTRICTS OF SOUTHBURY AND ROXBURY AND THE MERGER OF THE PROBATE DISTRICTS OF LITCHFIELD, KENT, MORRIS, HARWINTON AND WARREN.*****SUMMARY:**

Effective January 5, 2011, the bill eliminates the probate districts of (1) Harwinton consisting of the town of Harwinton and (2) Roxbury consisting of the town of Roxbury. Effective that same date it adds (1) Harwinton to the probate district of Litchfield, which currently consists of Litchfield, Kent, Morris, and Warren; and (2) adds Roxbury to the probate district of Southbury, which currently consists of the town of Southbury. It makes conforming changes concerning the election of the probate judge for the Litchfield and the Southbury probate districts in 2010, and the jurisdiction of those districts effective January 5, 2011.

EFFECTIVE DATE: Upon passage except the section eliminating the probate districts of Harwinton and Roxbury and adding Harwinton to the Litchfield district and adding Roxbury to the Southbury district becomes effective January 5, 2011.

BACKGROUND***Related Bill-HB 6385***

This bill, which the Judiciary Committee reported out on April 1:

1. eliminates the 117 probate court districts and replaces them with 36 districts, comprised of the towns or parts of the towns that correspond to the boundaries of a state senatorial district;
2. requires that each judge of probate elected for a term that begins

on or after January 5, 2011, must be a member of the Connecticut bar must have been a member for at least 10 years;

3. requires that a probate court be open to the public to conduct court business at least 40 instead of 20 hours each week, Monday through Friday, on a regular schedule between the hours of 8:00 AM and 5:00 PM;
4. eliminates the probate court administrator's authority to adopt binding regulations concerning the hours of court operation;
5. changes the way in which probate court judges are compensated by requiring that each probate court judge's salary be set by the probate court administrator based upon the weighted workload of each judge's district, but specifies that no probate court judge may receive an annual salary of under \$80,000 or more than \$110,000;
6. requires the probate court administration annually review the salary of each probate court judge;
7. requires the probate court administrator to establish and maintain a budget for the probate court system, allocate the budgets for each court based upon the court's weighted workload, and ensure that all staff, including judges, who are offered insurance or retirement benefits, works at least 20 hours a week; and
8. eliminates a retirement benefit enhancement to probate judges in office after September 30, 1997, whose probate districts are merged and who are not re-elected after the merger.

Related Bill - HB 6027

HB 6027, which the Judiciary Committee reported out on April 1, alters the way probate court judges are compensated by replacing the current system that is primarily based on court revenue and instead using a system based on population and workload. The new system

would become effective January 5, 2011 but would require that for the compensation of judges in office on January 4, 2011, for a term beginning January 5, 2011 and ending January 6, 2015, could not be less than 80% of the average annual compensation the judge received for the three-year period from January 1, 2008 to December 31, 2010.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (03/27/2009)